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WASHINGTON, DC 20510-3405

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The Honorable Kevin Martin
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: 700 MHz Auction

Dear Chairman Martin:

As the Federal Communications Commission prepares to set the terms of the most valuable auction of spectrum we will likely ever see – the 700 MHz band -- I urge you to enact rules that will open our public airwaves to new competition and innovation.

This auction holds the promise to meet two goals that are central to my own policy concerns for broadband in this country. First, we need to get high-quality, low-cost broadband service to rural America. I would like to see my rural constituents have multiple choices among broadband service providers with a quality of service that rivals my urban constituents. Enhanced wireless networks are a crucial piece in that equation. This auction should ensure that there is ample opportunity for small and mid-size telecommunications firms to acquire licenses. The current plan opens the door, but we must open it wider to ensure that rural carriers are truly able to bid on and acquire licenses for smaller markets. These licenses should bear geographic based build-out requirements to ensure coverage of rural and urban areas alike.

Second, we need to make sure that our wireless broadband markets are competitive and maximize consumer choice. At the very least, consumers must be able to take their phones to any network they like; and they should be able to use any online application they choose on that phone—provided the network is not harmed. The FCC should establish clear conditions and make sure that these conditions will be enforced. More importantly, we need to craft a space for innovators, entrepreneurs, and small business to enter the wireless market. We need to create a license in the 700 MHz band that sells access on a wholesale basis to any buyer on the same terms and conditions. This will open the door for a wave of new products and services. It will empower cities and towns to super-charge their WiFi networks. It will empower small and mid-size telecommunications companies to expand their service offerings and improve the value of their networks. And it will serve as fertile ground for the next generation of America's technology innovators to capture the imagination of the country and the world with their ideas.

The spectrum in the 700 MHz band is uniquely suited to bring high-speed networks at low costs within reach of all Americans. With roughly 10 percent of Americans still without access to broadband, and the U.S. falling further behind other world leaders in broadband penetration let alone adoption, the FCC cannot waste this valuable opportunity to inject much-needed competition into the market.

I applaud the efforts you have made to maximize the positive impact of this auction. It is critical that public safety receives a national network that finally addresses the issues of interoperability and reliable communications for our nation's first responders. It is also critical that the final order is focused on consumer choice in devices, applications, and service providers. And finally, it is critical that the broadband problem in rural areas is high on the priority list when license size and band plans are finalized.

The FCC has the valuable and unique opportunity to improve America's position as a world technology leader and pioneer, and to bring essential high-speed Internet services to everyone across the country. We urge you to consider these conditions and to implement them for the good of our economy, our democracy and our future.

Sincerely,

A handwritten signature in dark ink, appearing to read "Byron L. Dorgan", with a horizontal line underneath it.

Byron L. Dorgan
U.S. Senator

Cc:

Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah T. Tate
Commissioner Robert M. McDowell